

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Suits-L.A. Telugu Ganga Project-Nandyal Unit-Kurnool District-Bhanumukkala village-Pamulapadu Mandal-Market value enhanced from Rs. 4,500/- to Rs.15,000/- per acre-Appeals filed and dismissed by the Hon'ble High Court of A.P. Hyderabad- Final Decretal charges-Sanction orders-Issued.

IRRIGATION & C.A.D.(PW-LA.II) DEPARTMENT

G.O.Rt.No. 372

Dated: 10.06.2010

Read the following:

- 1) From the Special Collector, SSP, Kurnool Lr.Rc.No. A2/68/2008, Dated: 4.2.2008
- 2) From the Special Chief Secretary to Government & CCLA, A.P. Hyderabad CCLA's Ref. No. S1/72/2008, Dated: 16.7.2008

O R D E R:

The Special Collector, Srisailem Project, Kurnool and Special Chief Secretary to Government & CCLA, A.P. Hyderabad in the references Ist and 2nd read above have submitted decretal charge proposals in O.P.No.107/95 for an amount of Rs.1,59,393/- (Rupees One Lakh Fifty nine thousands Three hundred ninety three only) for an extent of 2.60 acres dry land in Sy.No. 408/2, 408/4 etc., acquired through Award No. 40/85, dated: 5.8.85 for formation of Velugodu Balancing Reservoir under T.G.P of Bhanumukkala Village, Pamulapadu Mandal, Nandyal Unit, Kurnool District. The Special Collector, Srisailem Project, Kurnool has informed that the final decretal charge proposals in respect of O.P. No. 107/95 of Bhanumukkala Village of Pamulapadu Mandal, for an amount of Rs.1,59,353/-, for an extent of Ac.2.60 acquired through Award No.40/85, dt.05.08.85 for formation of Velugodu Balancing Reservoir under T.G.P. As there is some discrepancy in the S.Nos.408/2, 408/4 and Award Proceedings, while returning the proposal, the Special Collector was requested to rectify the discrepancy in the Sy. Nos. and send revised proposals with correct Sy.Nos. in C.C.L.A office Ref. No. S1/72/2008, Dt: 19.3.2008. The Special Collector has sent revised calculation sheet duly rectifying the Sy. Nos. as 408/L and 408/U. But his report is silent as to the Sy. Nos. in the LAOP No. 107/95 as 408/L and 408/U. As seen from the revised calculation sheet submitted by the Special Collector, it is found that the S.Nos. in O.P.No. 107/95 of Bhanumukkala Village of Pamulapadu Village have been corrected as 408/L & 408/U. The Special Collector has requested to recommend for sanction of budget proposals towards final decretal charges in O.P.No.107/95 of Bhanumukkala Village of Pamulapadu Mandal for Rs.1,59,353/- to the Government to comply with the orders of Reference Court and to avoid legal complications in Velugodu Balancing Reservoir cases. As seen from the report of the special Collector, SSP, Kurnool, dt.04.02.2008, the Special Deputy Collector, LA, TGP, Nandyal had acquired the dry lands in Survey No.2301/B etc, for an extent of Ac. 22.80 of Bhanumukkala Village by fixing the market value @ Rs.4,500/- per acre through Award No.40/85, dated:05.08. 85 for formation of Velugodu Balancing Reservoir under T.G.P. Aggrieved by the market value fixed by L.A.O. the awardees have filed petitions u/s 18(1) of L.A. Act with a request to refer the matter to the Civil Court for adjudication and on making references u/s 18 to the lower Court, the senior Civil Judge, Atmakur had delivered judgments enhancing the market value from Rs.4,500/- to Rs.15,000/- per acre in O.P.No.107/95 in addition to it, 12% Addl. Market value on such market value from the date of 4(1) Notification to till the date of Award i.e. 14.05.84 to 05.08.85 9% interest per annum for the first year from the date of taking possession i.e. 19.06.84 to 18.06.85 and 15% P.A. thereafter till realization on the enhanced compensation amount. Aggrieved by the market value enhanced by the Lower Court, the Special Deputy Collector, TGP Nandyal has filed appeal in the Hon'ble High Court of A.P. Hyderabad for the O.P.No.107/95 against the

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orders of the Lower Court. The Hon'ble High Court of A.P. Hyderabad in its interim orders in CMP No.5396/01, dated: 13.03.2001 has granted interim stay orders on condition to pay 50% of decretal amount. Accordingly, proposals for sanction of 50% decretal amount were submitted to the Government through the Special Collector, TGP, Nellore. But no orders have been passed by the Government and the 50% decretal amount could not be deposited in the Senior Civil judge Court, Atmakur. The Hon'ble high Court of A.P. Hyderabad had dismissed the appeal filed by the LAO/SDC, TGP Nandyal in the above O.P. by confirming the judgments of Lower Court i.e., Rs.15,000/- per acre. The Government Pleader for Appeals, High Court of A.P. Hyderabad has opined that it is not a fit case to prefer any further appeal to Hon'ble Supreme Court of India and advised to comply with the judgment passed by the Hon'ble High Court immediately without any further delay so as to avoid payment of exorbitant rate of interest.

2. The Special Collector, SSP, Kurnool further submitted that in this award the total extent covered is Ac.22.80. Out of Ac.22.80, application U/s.18 were filed for Ac.6.80, for the remaining Ac.16.00, applications filed U/s. 28-A. Out of Ac.6.80, to an extent of Ac.3.20 final amount paid through Lok Adalath on 09.06.07 for O.P.No.109/95 and also proposals were submitted to Government for Ac.1.00 in O.P.No.110/95.

3. The Special Collector, SSP, Kurnool has submitted budget proposals for an amount of Rs.1,59,353/- towards final decretal amount in respect of O.P.No.107/95 in Award No.40/85, dated:05.08.85. The Special Collector, L.A, SSP, Kurnool has requested the CCLA to examine the issue of further appeals, as the enhancement is 233% in this case and to recommend for sanction of budget proposals towards final decretal charges in respect of O.P.No.107/95 of Bhanumukkal Village, Pamulapadu Mandal for Rs.1,59, 353/- (Rupees One lakh fifty nine thousand three hundred and fifty three only) to the Government so as to enable the Special Deputy Collector, L.A. T.G.P., Nandyal to comply with the orders of the Reference Court and to avoid further legal complications in Velugodu Balancing Reservoir cases. The Commissioner, Legal Affairs has opined that the judgment of the Hon'ble High Court is dt.19.12.2006. Hence, the SLP is time barred. He has also mainly placed the reliance on Ex.A2 sale deed dt.13.12.1993 which was five months prior to the date of notification. Hence, he viewed that the said judgment was delivered basing on oral and documentary evidence available on record. He has finally opined that on legal merits for further appeal in this case and the proposals received from the Special Collector, SSP, Kurnool has forwarded to the Government for taking further action in the matter. The proposal for decretal charges for an amount of Rs.1,59,393/- is forwarded by the Special Chief Secretary to Government & CCLA, A.P. Hyderabad.

4. After careful examination of the matter, Government hereby accord sanction of an amount of Rs.1,59,393/-(Rupees One Lakh Fifty nine Thousand Three hundred ninety three only) towards final decretal charges deposited in Lower Court in O.P. No. 107/95 pertaining to the lands acquired in Sy.No.s 408/L and 408/U, extent of Ac. 2.60 of Bhanumukkala Village of Pamulapadu Mandal in Nandyal Unit, Kurnool District acquired an Award No. 40/85, Dt:05.08.1985 for formation of Velugodu Balancing Reservoir under T.G.P. subject to verification whether the reference under Section 18 (1) of the L.A. Act is made to the Lower Court after following all the guidelines/directions on the subject and in case, it is detected that section 18 reference was made contrary to the rules/guidelines issued by the Government/CCLA, Hyderabad, immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of the CE as to the extent of land acquired. Further the Special Collector, Srisailem Project should verify the calculations made by the LAO, once again thoroughly with reference to the decree and instructions issued by the Government/CCLA, Hyderabad on the subject from time to time, before depositing the amount in the Lower Court.

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5. The Special Collector, Srisailem Project, Kurnool is directed to deposit the above sanctioned decretal amount in the respective court after thorough verification of calculations made by the LAO once again at his level and also verify the decrees and decretal charges, if any, already paid duly deducting the Income Tax as per rules. He is also directed to follow the directions of Hon'ble High Court dated: 30.4.2007 in W.P. No. 2181/2005 in depositing the above sanctioned decretal amount in the respective court.

6. The amount sanctioned in para (4) on pre-page shall be debitale to the following Head of Account "4701 -COL on Major and Medium Irrigation; 01 - Major Irrigation (Commercial); MH 123 - Telugu Ganga Prject; G.H. 11- Normal State Plan; S.H. (26) D & A works; 530 Major Works; 532 - Lands (charged)". In case, the available budget provision is not sufficient to meet the present requirement, the expenditure shall be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.

7. This order issues with the concurrence of Finance (W&P) Department vide their U.O.No. 2558/F7(A2)/2010-1, Dated: 25.05.2010.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJIV RANJAN MISHRA
SECRETARY TO GOVERNMENT

To

The Special Chief Secretary & C.C.L.A. A.P. Hydedrabad
The District Collector, Ananthapur.
The Special Deputy Collector, L.A. H.L.C. Ananthapur
The Engineer in Chief, I & CAD Department, Erramanzil, Hyderabad
The Revenue Divisional Officer, Ananthapur
The Superintending Engineer, I & CAD, Ananthapur
The Director of Works and Accounts, Hyderabad
The District Treasury Officer, Ananthapur
The Joint Director, Works & Accounts, Ananthapur
The Pay & Accounts Officer, Ananthapur
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P.S. to Minister (M & MI)
Law Department/Finance (W&P) Department
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SECTION OFFICER